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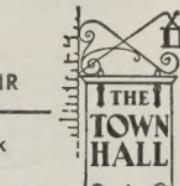
# Town Meeting



BULLETIN OF AMERICA'S TOWN MEETING OF THE AIR

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## Have We Centered Too Much Power in the Executive Branch of the Government?

Moderator: JAMES F. MURRAY, JR.

### Speakers

RICHARD BOLLING

HOMER FERGUSON



### COMING

—May 11, 1954—

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## Have We Centered Too Much Power in the Executive Branch of the Government?

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The account of the meeting reported in this Bulletin was transcribed from recordings made of the actual broadcast and represents the exact content of the meeting as nearly as such mechanism permits. The publishers and printer are not responsible for the statements of the speakers or the points of views presented.

### THE SPEAKERS' COLUMN

**SENATOR HOMER FERGUSON**—Republican of Michigan. Born in Harrison City, Pennsylvania in 1889, Senator Ferguson worked his way through the University of Michigan by saving money earned as a coal miner and country school teacher. After his graduation in 1913 he returned to Pennsylvania and married. In 1939, Homer Ferguson was a judge sitting on the Wayne County Circuit bench in Detroit. He had been appointed by Governor Green in 1929, and the following year was elected to a full six-year term. During that time he ferreted out gambling and vice rackets which netted more than twenty million dollars a year, and as a result of his relentless campaign against corruption nearly a dozen city and county officials and a score of policemen went to jail. His work to rid Detroit of corruption was publicized throughout America and he soon became a national figure.

Elected to the United States Senate in November, 1942, for the term ending January, 1949, he was reelected in November, 1948, for the term ending January, 1955. At the present time Senator Ferguson is a member of the Senate Foreign Relations Committee.

**REPRESENTATIVE RICHARD BOLLING**—Democrat of Missouri; member of the Joint Committee on the Economic Report. Congressman Bolling was born in New York City on May 17, 1916. He received his B.A. and M.A. degrees from the University of the South, Sewanee, Tennessee. He did further graduate work at Vanderbilt University in Tennessee. His first position after completing his studies was as a teacher and coach at the Sewanee Military Academy, Tennessee. He subsequently became Assistant to the Head of the Department of Education, of Florence State Teachers College, Alabama; and then Veterans Adviser and Director of Student Activities at the University of Kansas, Kansas City, Missouri.

In April, 1941, Representative Bolling volunteered as a private in the U. S. Army. He served more than five years, over four of which were overseas in Australia, New Guinea, Philippines and Japan. His last assignment was an Assistant to General MacArthur's Chief of Staff. He was awarded the Legion of Merit and Bronze Star and is presently a Lieutenant-Colonel in active reserve. Representative Bolling was elected to the 81st Congress in 1948 and has been elected to the succeeding Congresses. He is a member of the Joint Committee on the Economic Report.

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# Have We Centered Too Much Power in the Executive Branch of the Government?

**Announcer:**

Town Meeting originates tonight from the 63d National Congress of The Daughters of the American Revolution, convening in Constitution Hall, Washington, D. C. Organized October 11, 1890, the National Society of The Daughters of the American Revolution was chartered by the United States Congress and is one of the only two organizations that report annually to the United States Senate.

Through its 63 year history, its major objectives have been three-fold: historical—understanding of the present to guide the way to progress; patriotic—service in the present for "Home and Country"; and educational—training for the future to assure the retention of our Constitutional Republic and our American way of life.

These objectives are carried out through more than a score of fine communities whose projects range from American Indians and conservation to national defense and Americanism. The D.A.R. own and maintain two schools, and contribute substantially to eleven other approved schools.

Now to preside over our discussion, here is Town Meeting's moderator, James F. Murray, Jr. Mr. Murray!

**Moderator Murray:**

Town Meeting is honored tonight to present this broadcast before an audience of 4,000 delegates to the National Congress of the Daughters of the American Revolution assembled in historic Constitution Hall at Washington. Of these representatives, we send greetings to all of the 175,000

members listening throughout the United States.

No one on this side of the Iron Curtain could reasonably deny that the most important office in the Western world is the Presidency of the United States of America. The President of our nation combines in his person the awesome powers of chief of state, the responsibilities of political leadership of his own party and the symbolic representation of all the people of all parties in our nation—much the way the King of England or the President of France uniquely presides over their people. This three-fold role renders the President's task the most difficult and exacting of any in modern civilization.

Despite this, our Constitution defines the powers of the President only in the most meager detail. This has naturally lead to the development of shifting positions and attitudes across the years, with some Presidents convinced that they could do anything not specifically prohibited by the Constitution, while others felt that they could exercise only those powers specifically authorized by the Constitution.

This problem has become acute in our times, and America, assuming the leadership of the free world, has developed a Government more powerful and more complex than any ever dreamed of by our Founding Fathers. A considerable body of our public opinion fears that as modern government we could not function without a powerful executive. On the other hand, many fear that the present trend might lead to dangerous con-

centration of power in the White House and in the hands of one man, which, in turn, might seriously undermine the very foundation of our Republic.

Tonight, America's Town Meeting of the Air is happy and proud to examine this vital issue here in Constitution Hall. Our guests are two distinguished lawmakers, one from the United States Senate and one from the House of Representatives. Our first speaker is the Honorable Homer Ferguson, United States Senator from Michigan.

**Senator Ferguson:**

Mr. Murray, members of the Daughters of the American Revolution, I am indeed happy to be here with you tonight that we can talk about an important subject to all people of America and of the world. There is little doubt that for the last two decades there has been an increasing trend toward centralization of power in the executive branch of our Federal Government. As a matter of fact, the power of the executive branch was out of balance. That really endangered the legislative branch and the people of the United States.

One of the chief causes of this was that Congress lost control of the purse strings. Congress appropriated so much money that on January 1, 1953, there was eighty billions of dollars outstanding and unexpended. With that amount of money outstanding Congress, in effect, had lost control of the purse strings. However, since the present administration took office this trend has been arrested and is being reversed. The expansion of the executive power has been halted. The President is respecting the powers and the responsibility of Congress as was indicated in De-

cember when the legislative leaders helped him frame the policy for the next two years.

The size of the Federal Government has been reduced. About 200,000 personnel have been dropped from the Federal payrolls. Taxes have been cut and will be further reduced. Appropriations today are less than the expenditures, so we are cutting down this large backlog. Spending has been cut greatly. State and local governments' responsibility and power have been emphasized, and a commission has been established to study that relationship.

The new Hoover Commission has been established to find further ways to curtail the functions of the Federal Government. We all know that controls, price controls and others, have been removed. Some government enterprises have been liquidated, such as the attempt now to sell the rubber plants, and a shipping line. Also, we find that there's less secrecy, because we believe the people are entitled to know the facts. This promising beginning shows our determination to limit this centralization of power in the executive branch as the best cure for the freedom, security, and the welfare of our people.

We believe, and I know that you do, that this should be a government of law and not of men, no matter who the man may be. Actually, we were headed in a direction that our Government was beginning to become a government of men and not of law. Now the Federal Government at the present time has become the largest landowner, the largest landlord, the largest banker, the largest life insurer, the largest security and mortgage holder, the largest ship-owner, the largest employer and the largest spending unit in the

world. It's the largest truck fleet operator, the largest warehouse operator, and it owns more grain than any other government or any people in the world.

It has become a dominating power over money and credit. It became a dominating factor in all men's lives. It has slowed down initiative and it has interfered with individual success. My friends, I believe that there is too much power in the executive in Washington.

**Mr. Murray:** Thank you very much, Senator Homer Ferguson of Michigan. Now our next speaker is Representative Richard Bolling, Democrat of Missouri. Congressman Bolling.

**Congressman Bolling:**

Mr. Murray, Senator Ferguson, ladies and gentlemen. I believe that we have not centered too much power in the executive branch. In the years since the American Revolution our population, as it increased enormously, has shifted largely from the simplicities of self-contained rural family life to the infinite complexities of industrial city living. Vastly improved communications have shrunk the globe, and the events of the past fifty years have brought us in the United States from the wings to the front and center on the stage of world power.

These facts have been recognized by the people of America as changing and increasing their responsibilities in our nation and in the whole world. The American people have, therefore, insisted that their instrument for action, their government, assume greater responsibility at home and abroad. And the American people have realized that with the responsibility to act must go the power to act. This placing of responsibility and power has

brought social welfare legislation of many kinds and greater participation in international affairs than was ever dreamed of, even fifteen years ago.

As this has happened, inevitably, the executive has grown in power —along with that of which it is but a part, government as a whole. At the same time the powers of Congress have grown too, and this must be. Our challenge is to face and solve the problems of our time. A vacillating Congress, a weak executive, cannot solve for the American people the threat of the hydrogen bomb, of communist aggression in Indo-China, of unemployment.

What we need today is responsible and powerful government. In no part of government is it more important to have responsibility to act, and power to act, than in the executive branch. Hence, I do not believe that the executive is too powerful today.

**Mr. Murray:** Thank you very much, Congressman Bolling. There, ladies and gentlemen, you have two contrary statements of position and, Senator Ferguson, I noticed while Congressman Bolling was speaking, you were already mustering some opposition, and I wonder if you'd care now to comment upon his statement of position.

**Senator Ferguson:** Why, I believe that we disagree fundamentally. I happen to be one of those who believes that the individual must have a certain responsibility in this country and that government has a place. But it does not have the place of believing that it should take a third of his income, and it is more competent to spend that income and become the all-powerful than the individual back home. Now we can talk about the social legislation, and we believe

in social legislation, but we do not want to make either the states or the individuals wards of the Federal Government. I believe that back home is where government should be placed, in the states, back with the people. It is their responsibility, and we should just take over the defense and the large problems in this country.

**Mr. Murray:** Congressman Bolling.

**Congressman Bolling:** I noticed in the Senator's statement that he made what I would consider to be a rather specific political speech, speaking of a certain number of issues which he claims have been done, things that have been done in the last year. The thing that interests me is that I said at the time that the Eisenhower State of the Union Message come up to the Hill that I found in it at least a verbal ratification of the New Deal. Now, I'd like to know in what particular field in the social welfare program the Eisenhower program is designed to repeal provisions that were enacted by the New Deal.

**Mr. Murray:** Senator Ferguson.

**Senator Ferguson:** We don't purport to repeal social security. We believe that it should be based on a pay-as-you-go program. The people should pay for the social security instead of accumulating, for instance, eighteen billions of dollars and then putting in an I.O.U., and using that money for general government expenses, because some day that will have to be paid by taxpayers. Then we believe that the social security should be extended, that is if people are going to buy it as insurance. And that's the way that we want to place it—not as welfare, but as insurance. That is the way we believe it should be stated.

**Congressman Bolling:** As I understand you, Senator, you disagreed with the Eisenhower program, because the Eisenhower program is not the one that you describe. That is the program that the Eisenhower Administration did not adopt; that is what was proposed by Congressman Curtis. The Eisenhower Administration, in effect, went along with the Democratic program on social security and suggested that we go a little bit further, and I agree with this in that particular respect.

But let's just get into broader areas, in the housing field, where the Eisenhower Administration has proposed that we have a certain amount of public housing. You have the field of health, where the Eisenhower Administration has recognized that there is a very substantial health problem and has proposed re-insurance. Now it seems to me that these are clear indications that the Eisenhower Administration has accepted many of the gains of the last twenty years and desires to build on them.

**Senator Ferguson:** Now what we want to do about the housing, we don't want to take over the New Deal housing, where sixty-five millions of dollars was taken as windfalls out of the taxpayers money prior to 1950, but they do believe that in defense programs, where the individual would not want to go and build because the plant may be closed down, or because it may not be needed, it may be a secondary outlet, that then the Federal Government owes to the workers, in those defense programs, housing. That is entirely different than the idea of building houses and becoming the greatest landlord in the world.

**Congressman Bolling:** I'd like to comment on that, because this

really brings into focus the recent and the present difficulties with the F.H.A. Well I'm the author of one of the housing bills that was put in, one of the very few that was put in this year, and in opposition to the Eisenhower program, proposing that we go a little bit further in the field of public housing. My housing bill does not include a section on F.H.A., because I have felt all along that F.H.A. was, in effect, and this is the program that is in difficulty today, a bonanza for the private interests that was not sufficiently secured from possible corruption. And I would point out to the distinguished Senator that in this particular program the people who have been cheating have apparently been the real estate people.

**Mr. Murray:** Gentlemen, may I return a bit more specifically to one of the issues involved in tonight's topic. Most historians apparently agree that there has been an increase in the centralization of power in the executive branch. But we are inquiring in tonight's discussion how we centered too much power in the executive branch. I wonder, Senator, if you could perhaps give some instances where you feel that we have centered too much power in the executive branch, and see whether or not the Congressman agrees with you.

**Senator Ferguson:** Well, I think, for instance, the labor field. It became, under the previous Administration, that no labor dispute could take place that the President of the United States did not want to take it over as a political issue and have it decided in the White House. He immediately called the people to the White House and attempted to act as the arbiter in a labor dispute. When the results didn't suit him, he seized the steel

plants, saying that he had implied power to take them over, that he was given full power and all power over the individual.

Why, he even went so far as to send up and demand that Congress pass a law, putting into the armed forces of the United States all railroad workers, and when Congress turned it down, he was greatly disappointed. Now, if that isn't taking power over the lives of the people! He could have, on the next morning after that bill was passed, courtmartialed, without a trial in a civil court, any individual who refused to go to work.

**Congressman Bolling:** Mr. Murray, I would like to point out, here the Senator talks about the Executive having developed too much power in this particular field. He cites two examples when the Executive didn't get the power: the Congress didn't give it to him in one case, and the Supreme Court struck him down in the second. So the Executive didn't get the power.

**Senator Ferguson:** But he claimed it, and it was only because the Supreme Court, on a two-extra judge decision, kept him from seizing that power. So the party that the President belonged to believed that he had that power.

**Congressman Bolling:** I'd like to point out, since the Senator has mentioned the Supreme Court decision, that the two most extreme so-called liberals on the court were the two that leaned most strongly against the President on principle in the steel strike—Justice Black and Justice Douglas. They were the ones who struck this down forever, not just on the specific case. The other seven members of the court said that in this particular case the President was wrong, that they were unwilling to rule on the matter as a generality. And I think

that we have here very clearly an excellent example, where the checks and balances in the system, the Constitutional system of the Government of the United States, did not allow the President in those particular cases to take over certain powers the Senator obviously believes he should not have had.

**Senator Ferguson:** Well, I could go into the foreign field as to what the President of the United States did at Quebec, when he entered into an agreement that the United States could not use the atomic bomb, which is a great deterrent to war, without the consent of another nation; and at Yalta and at Potsdam the liberties and the freedoms of other peoples of the world were given away without the consent of those peoples, or the consent of the people of the United States.

That same President returned to the Congress of the United States and said that no secret agreements had been made, and even the Secretary of State did not know for a year afterwards what the agreements were that gave away the rights of those people and brought upon us the cold war. Now I don't know what more power any man ever had or assumed.

**Congressman Bolling:** Now I think it's very important to clear up a few facts on some of the agreements that the Senator so glibly mentions. I think, furthermore, there are some other things. In the first place, the Quebec Agreement was made at a time when the atom bomb didn't exist, and it so happens that the British scientists in some respects had made more progress in the atomic field than had American scientists, and that is a fact. The Agreement was made so that we could pool

our endeavor, so that we would succeed in getting the atom bomb before the Germans got it, and if the British at the time were contributing more in know-how, perhaps, than we were, it seems a reasonable agreement.

Now, the Yalta Agreement has been much abused before many groups, but I think it's very important to point out that had it not been for the Yalta Agreement various things that the Russians have done in the cold war would not have been outlawed in any way; the things that the Russians have done have all been violations of the Agreement at Yalta. And I think it essential to understand that executive agreements of this kind have been going on in the history of the United States from almost the beginning. Do you realize that in 1817 the neutralization of the Great Lakes, as between Canada and the United States, was performed by an executive agreement; that the original Louisiana Purchase was, in effect, an executive agreement; that we probably would not have had the Panama Canal had it not been for executive agreements?

**Mr. Murray:** Gentlemen, as you may perhaps know, each week America's Town Meeting presents a complete 20-volume set of the American People's Encyclopedia to a listener who submits the most timely question on the topic under discussion. Now, tonight's question comes from Marguerite Vanden Hennel, 26 Viola Ave., Clifton, N. J. Her question is this: "Has increasing use of executive orders weakened the power of Congress, and hence the power of democracy?"

**Senator Ferguson:** I would say that it has; let me give you an example. During the Pearl Harbor

bearings, when we were trying to find out some facts, the President of the United States issued an order that no Senator could look at the files in the Navy Dept. or in the Army or in the military services. By an executive order, he prohibited the inquiry of a Congressional hearing into the facts of Pearl Harbor, and even, too, on other hearings he had entered orders refusing to allow men to testify as to what the facts were in relation to these various hearings before committees.

I say that it has weakened democracy; it has come to the point of almost destroying the activities of Congress as far as that Pearl Harbor hearing was concerned, and this was after the War so that it could not be a question of security.

**Mr. Murray:** Thank you, Senator. Congressman Bolling, what will your answer be?

**Congressman Bolling:** I regret to say that again I have to disagree with the Senator. I had hoped that by now we could find something on which we could agree. I would like to reread the question: "Has increasing use of executive orders weakened the power of Congress, and hence the power of democracy?" I'd like to answer the last part first. It seems to me very important that we understand that our democracy works through three elements in government—the Legislature, the Executive and the Judiciary. So that democracy, as a whole, operates through all of these elements. I do not believe that democracy has been weakened by the use of executive orders, nor do I think that the strength of Congress has been weakened. Congress, in my judgment, can almost always impose its will when its will is the people's will.

**Mr. Murray:** Thank you very much, Congressman Bolling.

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## QUESTIONS, PLEASE!

**Mr. Murray:** Now, ladies and gentlemen, America's Town Meeting has come to the audience question period, which in many ways is the essence of the traditional Town Meeting of New England. I will take questions from you ladies in the audience here at Constitutional Hall. Will you please tell us for whom your question is intended, and if you are not satisfied with the answer which either of our guests give you, please tell them so, and they will give you a clear position with respect to the answer. I see a lady in the center aisle. Will you please come forward with your question.

**Questioner:** I would like to address my question to Senator Ferguson. Do you feel that the Chief Executive has the right to order small units of the armed forces into action?

**Senator Ferguson:** I would have to answer that with rather a long answer. If our troops were being attacked, or if our territory was being attacked, or if the territory of a country that we had a treaty with that had been ratified by the Senate and therefore by the people, then the President of the United States as Commander in Chief of the Armed Forces is entitled to

use the armed forces to repel such an attack.

*Mr. Murray:* Thank you, Senator. May we have another question, please?

*Questioner:* Congressman Bolling, do you think that the President of the United States of America should have the power to make a secret agreement with another nation, which might become the law of our land?

*Congressman Bolling:* Well, I think under certain circumstances, yes. I think, obviously, that you have to qualify by saying under certain circumstances, and I think that the reason you have to qualify it is that it might very well be that there are other nations who are, let's say, working in the atomic and hydrogen field. It is conceivable that, scientifically, one of our allies might discover a great step forward in the atomic or the hydrogen field. And I wonder very much if any of you would be opposed to our taking advantage of what one of our allies might have discovered in this field, through an executive agreement. I doubt that you would be.

*Senator Ferguson:* Gentlemen, I'd like to say just this, that I think the Supreme Court of the United States made a grave mistake in what is known as "The Pink Case" when it held that an executive agreement had the same dignity as that of a treaty, because the President makes the agreement alone; he makes it secretly and when a treaty is adopted it must be by two-thirds of the Senators present. Therefore I do not feel that the law should have been, and should be now, that the executive agreement can take the place of a treaty.

*Mr. Murray:* Thank you, Senator

Ferguson. The next question please.

*Questioner:* I would like to ask Senator Ferguson a question. Do you not think it would be advisable to limit the executive powers by amending our Federal Constitution to prevent treaties and international agreements from superseding the Constitution?

*Senator Ferguson:* Well, I believe that the Constitution should be supreme. I believe that any treaty or any executive agreement which conflicts with the Constitution should be null and void and of no force or effect.

*Congressman Bolling:* At last the Senator and I agree on something.

*Questioner:* As our Constitution now reads, treaties become the supreme law of the land when adopted by the Senate.

*Senator Ferguson:* Yes, the peculiar wording of the Constitution is that if it is made under the authority of the Constitution, meaning in form, that the treaty becomes the supreme law of the land and therefore can change or alter the Constitution. A new provision should be put in the Constitution, and that is to the effect that any treaty or executive agreement that conflicts with the Constitution should be of no force or effect; we tried to get that through. I was the sponsor of such a resolution, but it was stricken out and other language was put in, which I think did not solve the problem as far as other questions were concerned, even though that same provision was put back in.

*Mr. Murray:* Congressman Bolling wishes to comment.

*Congressman Bolling:* My feeling is that if the Senator means the amendment as he stated it that he

would be asking for a redundant amendment, because it seems to me very clear that the Constitution is, and must remain, the supreme law of the land.

*Senator Ferguson:* But the trouble is that the United States Supreme Court has held otherwise.

*Questioner:* Then, would not an amendment to the Constitution, as has been proposed, take care of those situations?

*Senator Ferguson:* I think that that one amendment should be added to the Constitution of the United States.

*Congressman Bolling:* I'd like to point out that in this particular case both President Eisenhower and his Secretary of State, along with many others, have indicated that they would oppose any amendment that would cripple or handicap them.

*Senator Ferguson:* Well, but the President of the United States and the Secretary of State have not objected to a new Constitutional amendment which would read in this way, "That any treaty or executive agreement which conflicts with the Constitution of the United States would be of no force or effect." They have approved such an amendment.

*Mr. Murray:* Gentlemen, I see many hands raised for additional questions, and I'd like to accept some of them, please. The lady on my right.

*Questioner:* My question is related somewhat to the other one, and I'm addressing it to Congressman Bolling: Why has the legislative branch allowed the executive branch to assume their delegated treaty making power so that a Bricker type amendment seems advisable?

*Congressman Bolling:* In the first

place, I don't think a Bricker type amendment does seem advisable. In this particular case, I stand with the President and the Secretary of State and many other people. There's a great controversy over this. I don't believe that it's possible for the United States of America which, whether it likes it or not, is the leader of the free world, in the attempt to defeat Communist aggression and imperialism, I don't think that there's any possibility of the United States doing this, if everything has to go through the treaty process.

I think there are too many detailed agreements that have to be made on a day-to-day basis. I cannot believe that any Chief Executive, any President, of either party, would do anything that he did not think was in the best interests of the country. I know that the Congress always has at hand the power of the purse, the power of affirmative legislation to strike down any act that the Chief Executive may take with which they disagree.

*Mr. Murray:* Thank you, Congressman. May we have the next question from the lady on my left, please?

*Questioner:* I would like to address my question to Senator Ferguson. Is Congress winning or losing its fight for the right to get information from executive agencies?

*Senator Ferguson:* Well, I expect that we're going to win, and we are winning, because just recently when the scandal came up in relation to the F.H.A., the President immediately ordered each and every branch of Government to give all of the information it had to the committee in Congress and is backing the investigations of the Congress. I happen to be on the

one Committee that is doing some investigating on that, and we are getting full co-operation and information from the departments. So, I see every evidence of a change in the attitude of allowing the people, which is the Congress, to have the information and not as I told you about the rule back in the Pearl Harbor hearings and before the Remington case which concerned the Committee of which I was Chairman.

*Mr. Murray:* Would you like to say something, Congressman?

*Congressman Bolling:* I would like to add this word, that certainly in many cases that it is entirely appropriate for the Chief Executive to furnish to Congress information that it requests. On the other hand, there is a full history, starting with George Washington, I believe, and coming down through most of the presidents of this country, of refusing to give to Congress certain information which the Executive did not think should be in the hands of Congress, but which was privileged in the Executive.

*Mr. Murray:* Thank you, gentleman.

*Senator Ferguson:* I do not understand why the President of the United States would feel after the War is over as to how or what happened before or at the time of Pearl Harbor should not be known by the people, because how are we going to defend ourselves in the future, when we have atomic bombs and weapons if the people do not know that thing could happen out there? The loss of all those boys and the ships, and we never learned the facts, and I say to you tonight, my people, that the facts were destroyed by the executive department of this Govern-

ment — not only refused, but destroyed.

*Mr. Murray:* Congressman Bolling.

*Congressman Bolling:* Mr. Murray, with very considerable restraint, I've tried to talk to the principles and issues, but I'd like to point out, if we're talking about secrecy, that it was with a great sense of surprise that the American people learned, just the other day, that it was the Vice President who had spoken of the possibility of sending troops into Indo-China. There has been great secrecy with regard to the seriousness of the situation in Indo-China, and I would like to say this that I praise the Vice President and the President of the United States and the Secretary of the State for finally facing up to this grave problem and getting the people of the United States in on the secret.

*Senator Ferguson:* Well, my friend, let me say that I happen to be one of those who go to the White House, and one who goes to the Secretary of State, and on a number of occasions both sides of the aisle, both Republicans and Democrats, have been given the fullest detailed information in regards to Indo-China, and I can't understand why they claim, or try to tell the American people, that they don't get the facts. All they have to do is to go to the leaders on their side of the aisle, and I'm sure they can get the facts.

*Congressman Bolling:* This doubles my indictment then, because it seems to me what we're talking about is informing the people. Then, I can say that the leaders, and you say both parties, have failed to inform the people. Certainly the people have not been informed until recently of the

seriousness of the situation in Indo-China. I thank God that they are now today informed.

*Mr. Murray:* Gentlemen, may we take another question from the audience?

*Questioner:* My question is for Congressman Bolling. I'm from Missouri, I want to be shown. Why does the executive branch wish to control the world, as if it were an empire, when we are not legally at war? I do not particularly refer to the present administration head but the executive branch of the government.

*Congressman Bolling:* I do not believe, and I think this is an excellent question, I do not believe that the present executive branch, the former executive branch, any executive branch in this country, has ever wanted to control the world like an empire. I think it is true that all the executives, Republican and Democratic, and I think the vast majority of the people of this country, have recognized that we are the strongest force opposing communism, and that we have a great responsibility to lead freedom to preserve itself.

*Mr. Murray:* Thank you, Congressman Bolling. Another question, please.

*Questioner:* Senator Ferguson, if the 200 United Nations treaties would be ratified by us, would we

have any of our U. S. Constitution left?

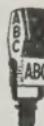
*Senator Ferguson:* I don't know if I understand the part about the 200 treaties.

*Questioner:* Well, almost 200.

*Mr. Murray:* If all of the 200 United Nations treaties were to be ratified by the Senate, the questioner wants to know would we have any Constitution left.

*Senator Ferguson:* Well, we'd, of course, change the whole philosophy of our government and our American way of life, if we were to adopt many of the proposals of the United Nations Assembly and the related organizations with the United Nations. We don't intend to adopt them; the President has sent word to Congress that those that are up they should do nothing on. So I don't think you have to worry at the present time about adopting these so-called resolutions or executive agreements or treaties.

*Mr. Murray:* I am very sorry we must interrupt and conclude because our time has expired. Senator Ferguson and Congressman Bolling, thank you very much for your most interesting discussion tonight. Our thanks to the officials of the National Society, Daughters of the American Revolution — especially Miss Gertrude S. Carraway, President-General, and Mrs. Joseph B. Paul, Chairlady of the National Congress Program Committee.



# FOR FURTHER STUDY OF THIS WEEK'S TOPIC

## Background Questions

### THE PRESIDENT—POWERS, PREROGATIVES AND PRESTIGE

1. What are the powers of the President as outlined in the Constitution?
  - a. Are they very broadly defined? Or, are they specifically itemized?
  - b. Have the powers of the President increased tremendously within recent years? If so, was this done through changes in or a reinterpretation of the Constitution?
2. Has the President's power grown at the expense of the Congress and Court? Or, has the system of checks and balances, devised by the framers of the Constitution, worked successfully?
3. If the increased responsibility of the President does not in itself represent the presence of new organic powers, what does it represent?
  - a. Does it represent a more frequent use of traditional powers, demanded by the exigencies of the times?
  - b. To what extent is growth of the Presidency due to technological revolutions in military science—the increasing scope and impact of modern warfare?
  - c. To what extent is it due to the emergence of the U. S. as the leading world power?
  - d. Has the whole field of foreign policy, in which the Constitution gives the Executive predominant power, become more important?
  - e. Has Congress through increasing legislation invested the Executive with increasing responsibilities in administering the laws?
  - f. Have changing concepts of government responsibility in economic and social life placed great additional responsibility on all branches of government?
4. Evaluate the responsibilities and prerogatives of the President inherent in his symbolic and solitary character. Does the President combine ceremonial functions of a head of state with those of the chief administrative officer?
  - a. To what extent is the President, as head of his party, responsible for initiating legislation?
  - b. The Constitution vested legislative and judicial functions in plural bodies; executive power in one man. Why?
  - c. Does the President, due to his solitary leadership and the national character of his selection, embody the hopes, expectations, etc. of the entire population?
5. Which of the President's powers and responsibilities are not inherent in the Constitution?

- a. Evaluate the character of his political party leadership.
- b. What powers are inherent in his personality that he brings *to* his office?

i. What is meant by a "strong" or "weak" president?

- a. Are there personality traits that are overriding? Evaluate the statement of T. V. Smith, "The history of our Presidency reinforces the moral that power is always poor until it clothes itself in the symbol of influence."
- b. Do different conceptions regarding the extent of executive power have much bearing on actual practice?
- c. To what extent do the exigencies of the times affect the role a President assumes or is forced to assume?
- d. Is strength in a President measured by the extent of influences he has over other branches of government? Is it measured by his defense of his own powers and prerogatives from encroachment by Congress or Court?
- e. In his book, "The American President" Sidney Hyman claims that the "better distinction between 'strong' and 'weak' Presidents can be drawn in terms of how they managed the slippery imponderables of public opinion." Do you agree?

Who does the President represent?

- a. Should his political party affiliation define the scope of his activity and aspirations? Was the original conception of the President as the leader of the whole nation?
- b. Can a President successfully lead both party and nation? Can he represent the minority as well as the majority?
- c. Evaluate the various proposals for changing our method of selecting the President, in order to make the President more representative of the entire nation. (national primaries, reform of the Electoral College, etc.)

## THE PRESIDENT—BURDENS

Is the Presidency a "man-killing" job? Are its responsibilities too much for one man?

Can the President delegate any of his power? Can the burdens of his office be shared, without destroying the conception of the authors of the Constitution as to what our Executive should be? Can the Vice President or Cabinet members share more fully in the responsibilities of the Presidency? Can they be held responsible for both policy and administration? What other suggestions have been made to ease Presidential burdens?

Would the sharing of Presidential power tend to create a sharp cleavage between power and responsibility? Would it tend to produce dissension and factions within the Executive Branch?

Would it tend to turn the Presidency into a Cabinet form of government?

5. Can the President delegate his party leadership? Can the President delegate some of his ceremonial functions to the Vice President?

## THE PRESIDENT AND CONGRESS

1. Did the framers of the Constitution purposely leave many areas of power between the Executive and Congress undefined to allow for growth and struggle? Did they grant either branch greater or lesser power? Do the powers of the executive and legislative branches overlap?
2. Have the Constitutional checks and balances operated effectively?
3. Have the scope of congressional powers grown to the same extent as those of the executive?
4. Has the President within recent decades dominated or attempted to dominate the Congress? If so, give examples of this encroachment?
5. Evaluate the charge that the congressional assault on executive powers has been unprecedented within recent years.
  - a. To what extent have attacks on Executive power been made by those whose theoretical preference is for a weak executive?
  - b. To what extent are they motivated by hostility to a particular President and considerations of partisan advantage?
6. Is the 22nd Amendment an unwarranted invasion of executive power?
  - a. Has it weakened the Presidency? Does it show a basic distrust of the electorate?
  - b. Evaluate Alexander Hamilton's argument that possibility of re-election is important as an inducement of good behavior and a reward for fidelity.
7. Evaluate the resolution of Rep. Coudert (1951) calling for a constitutional amendment to require the President to resign in face of a vote of no-confidence.
8. Evaluate Sen. Jenner's plan to put considerable policy determination in a commission consisting of the chairmen of Senate committees.
9. Has the President the right to commit American forces to dangerous points outside the U. S. without Congressional authorization? Would denial of such a right constitute a major assault on the President's power as Commander-in-Chief?
  - a. Has the President the right to order the Navy to move from one area to another? Has he power to send the Air Force to stations outside the U. S.?
  - b. Is Congress legitimately concerned with an executive action that may force its decision to declare war?
10. Evaluate the Bricker Amendment.